

Appl. No. 10/676,457

Amdt. Dated November 16, 2005

Reply to Office Action of August 16, 2005

REMARKS

This is a full and timely response to the non-final Office action mailed August 16, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 11-18 remain pending in this application, with Claim 11 being the sole independent claim. Claims 11 and 14 have been amended herein. No new matter is believed to have been added.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 11-18 were rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter not sufficiently described in the specification to convey possession thereof at the time the application was filed. Specifically, it is alleged that the recitation of "a single, unitary stop structure" in independent Claim 11 is improper since this language is not found in the as-filed specification. This rejection is traversed.

As was previously noted, it is generally well-known that the description, claims, and drawings together constitute the entire content of an as-filed patent application. Thus, reciting features in claims that are explicitly disclosed in either the description or the drawings does not constitute new matter. Here, at least FIGS. 4 and 5 of the as-filed instant application clearly and explicitly disclose a single, unitary stop structure as recited in independent Claim 11. Thus, the rejection under 35 U.S.C. § 112 is wholly inappropriate.

The Examiner inexplicably contends that the words "single" and "unitary" are not found in FIGS. 4 and 5. What this has to do with anything wholly alludes the undersigned. Nowhere has Applicant ever asserted that FIGS. 4 and 5 "stated" or "included verbiage" regarding the single, unitary structure. Rather, Applicants merely stated the irrefutable fact that FIGS. 4 and 5 disclose (obviously via illustration), this feature. As such, this additional recitation is fully described and enabled in accordance with 35 U.S.C. § 112, first paragraph, and is not new matter.

The Examiner also references the recitation in paragraph [0020] that the stop structure is preferably formed as an integral part of the actuator assembly housing, or that

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it can alternatively be formed separately from the housing. Again, the logic alludes the undersigned. Nonetheless, Applicants have amended independent Claim 11 to, among other things, be consistent with the specification, by reciting that the stop structure is "formed as an integral part of the actuator assembly." This statement finds clear support in the as-filed application.

In view of the foregoing, Applicant respectfully solicits reconsideration and withdrawal of the § 112, first paragraph rejection.

Rejections Under 35 U.S.C. § 103

Claims 11-18 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Nos. 1,905,684 (Coffman), 2,147,851 (Mallon), and 1,881,953 (Redding). This rejection is respectfully traversed.

Independent Claim 11 now recites, *inter alia*, the output shaft extending through the valve interface section and engaging the interface shaft in the valve body.

Coffman, Mallon, and Redding each relate to valve assemblies that include many of the features recited in independent Claim 11; however, these references do not disclose at least the above-noted feature. Namely, none of Coffman, Mallon, or Redding disclose, or even remotely suggest, at least an output shaft extending through the valve interface section and engaging the interface shaft in the valve body, as recited in independent Claim 11. Rather, Coffman, Mallon, and Redding all teach only a single shaft (e.g., valve stem 11, 90) coupled to, and extending from, the respective valve elements. Nowhere do any of these references disclose, or remotely suggest, an actuator output shaft that extends through the valve interface section and engages, in the valve body, an interface shaft that extends from the valve element. In all three citations, the valve stem (11, 90) is moved via an external device, such as a lever 45 (Coffman), a tool 42 (Redding) or a valve turning assembly 80 (Mallon).

Since the combination of Coffman, Mallon, and Redding does not disclose or suggest each and every element of independent Claim 11 is, these references do not render independent Claim 11 obvious. As such, reconsideration and withdrawal of the § 103 rejection is respectfully solicited.

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Conclusion

Based on the above, independent Claim 11 is patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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